

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FELIX ESPOSITO AND
ACCESS WITH SUCCESS, INC.,
Plaintiffs

v.

29 HANCOCK STREET LLC; and
ADAMS INN FACILITIES,
INC.,
Defendants

CIVIL ACTION NO. 05-10349-WGY

DEFENDANTS' ANSWER TO SECOND
AMENDED COMPLAINT AND JURY DEMAND

Introduction.

The allegations of the Introduction are admitted on
information and belief.

Parties.

1. The defendants are without knowledge or information
sufficient to enable them to admit the truth of the
allegations of Paragraph 1 of the Second Amended Complaint.

2. The defendants are without knowledge or information
sufficient to enable them to admit the truth of the
allegations of Paragraph 2 of the Second Amended Complaint.

3. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 3 of the Second Amended Complaint.

4. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 4 of the Second Amended Complaint.

5. The allegations of Paragraph 5 of the Second Amended Complaint are admitted.

6. The allegations of Paragraph 6 of the Second Amended Complaint are admitted.

7. The allegations of Paragraph 7 of the Second Amended Complaint are admitted.

8. The allegations of Paragraph 8 of the Second Amended Complaint are admitted.

9. The allegations of Paragraph 9 of the Second Amended Complaint are denied. Pleading affirmatively, the defendant BWI admits that it is a public accommodation as defined in 42 U.S.C. §1218(7)(A).

10. The allegations of Paragraph 10 of the Second Amended Complaint are denied.

Plaintiffs' Synopsis of Their Claim Under the ADA.

11. The allegations of Paragraph 11 of the Second Amended Complaint are admitted.

12. (First Paragraph 12) The allegations of the first Paragraph numbered 12 are characterizations of statutory requirements, to which the defendants decline to respond. The statutes themselves must be examined. To the extent that a response is required, the allegations of the first paragraph numbered 12 are denied.

12. (Second Paragraph 12) The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of the second paragraph numbered 12.

Jurisdiction

13. The allegations of Paragraph 13 of the Second Amended Complaint are admitted.

14. The allegations of Paragraph 14 of the Second Amended Complaint are admitted.

15. The allegations of Paragraph 15 of the Second Amended Complaint are admitted.

16. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 16 of the Second Amended Complaint.

17. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 17 of the Second Amended Complaint.

**Count I - Alleged Violation of the
Americans with Disabilities Act**

18. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 18 of the Second Amended Complaint.

19. The allegations of Paragraph 19 of the Second Amended Complaint are admitted.

20. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 20 of the Second Amended Complaint.

21. The allegations of Paragraph 21 of the Second Amended Complaint are admitted.

22. The allegations of Paragraph 22 of the Second Amended Complaint are admitted.

23. The allegations of Paragraph 23 of the Second Amended Complaint are admitted.

24. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of the first sentence of Paragraph 24 of the Second Amended Complaint. The allegations of the second sentence are admitted, except the phrase, "but really it was not," as to which the defendants lack sufficient knowledge to respond.

25. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 25 of the Second Amended Complaint.

26. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 26 of the Second Amended Complaint.

27. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 27 of the Second Amended Complaint.

28. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 28 of the Second Amended Complaint.

29. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 29 of the Second Amended Complaint.

30. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 30 of the Second Amended Complaint.

31. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 31 of the Second Amended Complaint.

32. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 32 of the Second Amended Complaint.

33. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 33 of the Second Amended Complaint.

34. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 34 of the Second Amended Complaint.

35. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 35 of the Second Amended Complaint.

36. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 36 of the Second Amended Complaint.

37. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 37 of the Second Amended Complaint.

38. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 38 of the Second Amended Complaint.

39. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 39 of the Second Amended Complaint.

40. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 40 of the Second Amended Complaint.

41. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 41 of the Second Amended Complaint.

42. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 42 of the Second Amended Complaint.

43. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 43 of the Second Amended Complaint.

44. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 44 of the Second Amended Complaint.

45. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 45 of the Second Amended Complaint.

46. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 46 of the Second Amended Complaint.

47. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 47 of the Second Amended Complaint.

48. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 48 of the Second Amended Complaint.

49. The allegations of Paragraph 49 of the Second Amended Complaint are denied.

50. The allegations of Paragraph 50 of the Second Amended Complaint are denied.

51. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 51 of the Second Amended Complaint.

52. The allegations of Paragraph 52 of the Second Amended Complaint are denied.

53. The allegations of Paragraph 53 of the Second Amended Complaint are denied.

54. The allegations of Paragraph 54 of the Second Amended Complaint are characterizations of law to which the defendants need not respond. To the extent that a response is necessary, the allegations of this paragraph are denied.

55. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 55 of the Second Amended Complaint.

56. The allegations of Paragraph 56 of the Second Amended Complaint are denied.

Count II - Massachusetts General Laws Chapter 272, §98

57. The allegations of Paragraphs 1 through 56 hereof are hereby incorporated by reference.

58. The allegations of Paragraph 58 of the Second Amended Complaint are admitted.

59. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 59 of the Second Amended Complaint.

60. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 60 of the Second Amended Complaint.

61. The allegations of Paragraph 61 of the Second Amended Complaint are admitted on information and belief.

Count III -- Massachusetts Constitution and G.L. c.93, §103

62. The allegations of Paragraphs 1 through 61 hereof are hereby incorporated by reference.

63. The allegations of Paragraph 63 of the Second Amended Complaint are characterizations of law to which the defendants need not respond.

64. The allegations of Paragraph 64 of the Second Amended Complaint are characterizations of law to which the defendants need not respond.

65. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 65 of the Second Amended Complaint.

66. The defendants are without knowledge or information sufficient to enable them to admit the truth of the allegations of Paragraph 66 of the Second Amended Complaint.

67. The allegations of Paragraph 67 of the Second Amended Complaint are denied.

68. The allegations of Paragraph 68 of the Second Amended Complaint are admitted on information and belief.

Affirmative Defenses

69. The modifications requested by the plaintiffs are not readily achievable.

WHEREFORE, the defendants 29 Hancock Street LLC and Adams Inn Facilities, Inc., pray that the plaintiffs' Second Amended Complaint be dismissed, and for such other and further relief as shall be appropriate.

THE DEFENDANTS DEMAND TRIAL BY JURY TO THE EXTENT PERMITTED BY LAW.

29 HANCOCK STREET LLC
ADAMS INN FACILITIES, INC.
By their attorneys,

s/Michael R. Coppock
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I hereby certify under the pains and penalties of perjury that a true copy of the foregoing document was served upon the attorneys of record for each other party by mail on July 15, 2005.

s/Michael R. Coppock
Michael R. Coppock